

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed March 8, 2011. The status of the application is as follows:

- Claims 21-28, 30-33, 35-38, and 40-43 are pending, claims 21 and 35 have been amended, claims 29, 34, and 39 have been canceled herein, and claims 41-43 have been added;
- Claims 21, 24, 27-30, 35, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksen et al. (US 6,374,667) in view of Blackwell et al. (US 6,168,941);
- Claims 22, 23, 25, 26, 31, 34, 36, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksen et al. in view of Blackwell et al. and in further view of Reining et al. (US 6,359,449); and
- Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksen et al. in view of Blackwell et al. and in further view of Kasai (US 5,760,688).

The objections and rejections are discussed below.

The Rejection of Claims 21, 24, 27-30, 35, 38, and 40 under 35 U.S.C. 103(a)

Claims 21, 24, 27-30, 35, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksen et al. (hereafter referred to as 'Eriksen') in view of Blackwell et al. (hereafter referred to as 'Blackwell'). This rejection should be withdrawn because claim 29 is cancelled and because the combination of Eriksen and Blackwell does not establish a *prima facie* case of obviousness with respect to the subject claims.

The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). MPEP §2143.

Independent Claim 21

Claim 21 has been amended herein with aspects of claim 34 and now further recites "...an alarm system that generates an alarm signal in response to determining that the human subject is experiencing an abnormal condition, where the alarm signal is transmitted to a remote

station.” The Office concedes that the combination of Eriksen and Blackwell does not teach or suggest this claim aspect. Therefore, this rejection of claim 21 should be withdrawn.

With respect to claim 34, the Office cites Reining et al. to teach this claim aspect. However, Reining et al. does not make up for the conceded deficiency of Eriksen and Blackwell. In Reining et al., an alarm is discussed at col. 3, lines 28-34 (cited by the Office) and col. 7, lines 41-51. However, at no point do these sections of Reining et al. (Reining et al. as a whole) teach an alarm signal is transmitted to a remote station. Furthermore, Reining et al. is silent regarding transmission of an alarm signal. Therefore, Reining fails to make up for the conceded deficiency of Eriksen and Blackwell.

Independent Claim 35

Claim 35 has been amended with aspects of claim 39 and now further recites “...detecting a reference signal produced by the resonant, wherein the reference signal is a normal state of a characteristic of the human subject...detecting a condition signal produced by the resonant circuit, wherein the condition signal is a current state of the characteristic of the human subject...comparing the reference signal and the condition signal to determine if the human subject is experiencing an abnormal physiological condition.” The Office concedes that the combination of Eriksen and Blackwell does not teach or suggest this claim aspect. Therefore, this rejection of claim 35 should be withdrawn

With respect to claim 39, the Office cites Reining et al. to teach this claim aspect. However, Reining et al. does not make up for the conceded deficiency of Eriksen and Blackwell. Specifically, Reining et al. discloses comparing an abdomen signal against a thoracic region. In contrast, claim 35 recites the reference signal and condition signal are states of the same characteristic of the human subject. Reining et al. is silent regarding such aspects. Therefore, Reining fails to make up for the conceded deficiency of Eriksen and Blackwell.

Independent Claim 40

Claim 40 recites “...wherein the resonant circuit is located only on a chest of the human and proximate to the heart.” The Office asserts that Eriksen teaches this claim feature at col. 6, lines 37-40. Col. 6, lines 37-40 state “[c]learly, this provides valuable diagnostic indication by

analysis of this waveform, which may be used for monitoring and assessment of patients with heart failure, shunts, or valvular disease.” Nothing in this section, or Erikson and Blackwell as a whole, address the resonant circuit being located only on a chest of the human and proximate to the heart. While this section may address heart conditions, the citation provides no indication of a physical location of the resonant circuit. In view of the foregoing, this rejection should be withdrawn.

Dependent Claims

Claims 24, 27-28, 30, and 38 ultimately depend from claim 21 or 35 and inherit all of the respective features of claim 21 or 35. Thus, claims 24, 27-28, 30, and 38 are patentable for at least the same reasons discussed above with respect to claims 21 or 35 from which they depend, with each dependent claim containing further distinguishing patentable features of claims 21 or 35. Therefore, the rejections of these claims should be withdrawn.

The Rejection of Claims 22, 23, 25, 26, 31, 34, 36, 37, and 39 under 35 U.S.C. 103(a)

Claims 22, 23, 25, 26, 31, 34, 36, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksen in view of Blackwell and further in view of Reining. This rejection should be withdrawn because claims 34 and 39 are cancelled and the combination of Eriksen, Blackwell and Reining does not establish a *prima facie* case of obviousness with respect to the subject claims. Moreover, claims 22, 23, 25, 26, 31, 36, and 37 ultimately depend from claims 21 or 35 and inherit all of the respective features of claim 21 or 35. Thus, claims 22, 23, 25, 26, 31, 36, and 37 are patentable for at least the same reasons discussed above with respect to claims 21 or 35 from which they depend, with each dependent claim containing further distinguishing patentable features of claims 21 or 35.

The Rejection of Claims 32 and 33 under 35 U.S.C. 103(a)

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksen in view of Blackwell and Kasai. This rejection should be withdrawn because the combination of Eriksen, Blackwell and Kasai does not establish a *prima facie* case of obviousness with respect to the subject claims. Furthermore, claims 32 and 33 ultimately depend from claim 21 and

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inherit all of the respective features of claim 21. Thus, claims 32 and 33 are patentable for at least the same reasons discussed above with respect to claim 21 from which they depend, with each dependent claim containing further distinguishing patentable features of claims 21.

Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the references of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,



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